

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAUL SANCHEZ-RIOS,

Defendant.

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8:07CR365

ORDER

The following motions are now pending:

55 Motion to Enter Appearance filed by Horacio J. Wheelock,

54 Defendant's Motion to Continue Trial filed by Horacio J. Wheelock, and

56 Motion for leave to withdraw as defense counsel filed by Bassel El-Kasaby.

Upon the resolution of the defendant's Motion to Suppress on February 7, 2008, this case was scheduled to be tried on March 4, 2008. At the defendant's request, a change of plea hearing was set for March 31, 2008 and, at the defendant's request, continued to April 21, 2008; however, the defendant ultimately decided not to change his plea. After a hearing on April 21, the court denied Mr. El-Kasaby's motion to withdraw. Trial was set for May 13, 2008 and, at the defendant's request, continued to June 17, 2008. On May 16, 2008, Mr. Wheelock entered his appearance—knowing that he was unavailable to try the case as scheduled—and immediately filed a motion to continue trial. Apparently, Mr. Wheelock's scheduling conflicts will prevent him from trying this case until mid- to late July, 2008.

Considering the number and length of the continuances the defendant has already been granted, the court finds that he has not shown good cause for any further

continuances. The defendant is certainly free to retain more than one attorney if he wishes to do so; however, because Mr. Wheelock is unavailable to attend trial the week of June 17, 2008, the court will deny Mr. El-Kasaby's motion for leave to withdraw.

IT IS ORDERED:

1. The Motion to Enter Appearance filed by Horacio J. Wheelock [55] is granted.
2. Defendant's Motion to Continue Trial [54] is denied.
3. The Motion for leave to withdraw as defense counsel, filed by Bassel El-Kasaby, is denied.
4. The hearing previously set for Tuesday, May 20, 2008 at 2:00 PM is cancelled.

Pursuant to NECrimR 57.2, a party may appeal this order by filing an "Appeal of Magistrate Judge's Order" within ten (10) business days after being served with the order. The party shall specifically state the order or portion thereof appealed from and the basis of the appeal. The appealing party shall file contemporaneously with the statement of appeal a brief setting forth the party's arguments that the magistrate judge's order is clearly erroneous or contrary to law. The filing of a statement of appeal does not automatically stay the magistrate judge's order pending appeal. See NECrimR 57.2(d).

DATED May 19, 2008.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**